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8 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. ~~927~~A

11 **DANIEL F. JAHNS**  
12 **P. O. Box 989**  
13 **Carpinteria, CA 93013**  
**Land Surveyor License No. L 4997**

**A C C U S A T I O N**

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity  
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,  
21 Department of Consumer Affairs.

22 2. On or about April 3, 1981, the Board for Professional Engineers and Land Surveyors  
23 issued Land Surveyor License Number L 4997 to Daniel F. Jahns (Respondent). The Land  
24 Surveyor License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on December 31, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 8762 of the Code states:

(a) Except as provided in subdivision (b), after making a field survey in conformity with the practice of land surveying, the licensed surveyor or licensed civil engineer may file with the county surveyor in the county in which the field survey was made, a record of the survey.

(b) Notwithstanding subdivision (a), after making a field survey in conformity with the practice of land surveying, the licensed land surveyor or licensed civil engineer shall file with the county surveyor in the county in which the field survey was made a record of the survey relating to land boundaries or property lines, if the field survey discloses any of the following:

(1) Material evidence or physical change, which in whole or in part does not appear on any subdivision map, official map, or record of survey previously recorded or properly filed in the office of the county recorder or county surveying department, or map or survey record maintained by the Bureau of Land Management of the United States.

(2) A material discrepancy with the information contained in any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

(3) Evidence that, by reasonable analysis, might result in materially alternate positions of lines or points, shown on any subdivision map, official map, or record of survey previously recorded or filed in the office of the county recorder or the county surveying department, or any map or survey record maintained by the Bureau of Land Management of the United States.

(4) The establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

1 (5) The points or lines set during the performance of a field survey of any parcel described  
2 in any deed or other instrument of title recorded in the county recorder's office are not shown on  
3 any subdivision map, official map, or record of survey.

4 (c) The record of survey required to be filed pursuant to this section shall be filed within 90  
5 days after the setting of boundary monuments during the performance of a field survey or within  
6 90 days after completion of a field survey, whichever occurs first.

7 (d)(1) If the 90-day time limit contained in subdivision (c) cannot be complied with for  
8 reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day  
9 time period shall be extended until the time at which the reasons for delay are eliminated. If the  
10 licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or  
11 she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter  
12 stating that he or she is unable to comply. The letter shall provide an estimate of the date for  
13 completion of the record of survey, the reasons for the delay, and a general statement as to the  
14 location of the survey, including the assessor's parcel number or numbers.

15 (2) The licensed land surveyor or licensed civil engineer shall not initially be required to  
16 provide specific details of the survey. However, if other surveys at the same location are  
17 performed by others which may affect or be affected by the survey, the licensed land surveyor or  
18 licensed civil engineer shall then provide information requested by the county surveyor without  
19 unreasonable delay.

20 (e) Any record of survey filed with the county surveyor shall, after being examined by him  
21 or her, be filed with the county recorder.

22 (f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope  
23 or postcard with the filing of the record of survey, the county recorder shall return the postage-  
24 paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing  
25 data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the  
26 date, the book or volume, and the page at which the record of survey is filed with the county  
27 recorder.

1       5.     Section 8780 of the Code states:

2       "The board may receive and investigate complaints against licensed land surveyors and  
3 registered civil engineers, and make findings thereon.

4       "By a majority vote, the board may reprove, suspend for a period not to exceed two years,  
5 or revoke the license or certificate of any licensed land surveyor or registered civil engineer,  
6 respectively, licensed under this chapter or registered under the provisions of Chapter 7  
7 (commencing with Section 6700), whom it finds to be guilty of:

8       "(a) Any fraud, deceit, or misrepresentation in his or her practice of land surveying.

9       "(b) Any negligence or incompetence in his or her practice of land surveying.

10       "(c) Any fraud or deceit in obtaining his or her license.

11       "(d) Any violation of any provision of this chapter or of any other law relating to or  
12 involving the practice of land surveying.

13       "(e) Any conviction of a crime substantially related to the qualifications, functions, and  
14 duties of a land surveyor. The record of the conviction shall be conclusive evidence thereof.

15       "(f) Aiding or abetting any person in the violation of any provision of this chapter.

16       "(g) A breach or violation of a contract to provide land surveying services.

17       "(h) A violation in the course of the practice of land surveying of a rule or regulation of  
18 unprofessional conduct adopted by the board."

19       6.     Section 125.3 of the Code provides, in pertinent part, that the board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

23                                   FIRST CAUSE FOR DISCIPLINE

24                                   (Negligence)

25       7.     Respondent is subject to disciplinary action under section 8780, subdivision (b) in  
26 that in 2002-2003, with respect to ALTA surveys prepared by Respondent on several parcels of  
27 land abutting Chapala and De La Gerra in Santa Barbara County, Respondent committed acts of  
28 negligence as follows:

- a. Respondent failed to file a Corner Record or Record of Survey after setting his tags.
- b. Respondent failed to file a Record of Survey after removing his tags.

## SECOND CAUSE FOR DISCIPLINE

### (Failure to File Record of Survey)

8. Respondent is subject to disciplinary action under section 8762, subdivision (b) in that he failed to file a Record of Survey after establishing one or more points or lines not shown on any subdivision map, official map, or record of survey, the positions of which are not ascertainable from an inspection of the subdivision map, official map, or record of survey.

## DISCIPLINE CONSIDERATIONS

9. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about September 4, 2004, in a prior disciplinary action entitled In the Matter of the Accusation Against Daniel F. Jahns before the Board for Professional Engineers and Land Surveyors, in Case Number L 4997. Respondent's license was revoked, the revocation stayed, and his license placed on probation for a period of one year for violations of Business and Professions Code section 8780, subdivisions (b), (d), and (g). That decision is now final and is incorporated by reference as if fully set forth.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Land Surveyor License Number L 4997, issued to Daniel F. Jahns.
2. Ordering Daniel F. Jahns to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED:

4/22/00

*Original signed*

DAVID E. BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

*Complainant*

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